

**GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA**

STARRED QUESTION NO:561
ANSWERED ON:26.04.2001
FAST TRACK COURTS
CHANDRA BHUSHAN SINGH;DAGGUBATI RAMANAIDU

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

- (a) whether the Union Government have released funds and guidelines to the State Governments to start fast track courts in their States;
- (b) if so, the details thereof;
- (c) the number of fast track courts started functioning in each of the State, location-wise;
- (d) the reasons for not setting up of desired number of fast track courts in each State;
- (e) the number of judicial officers appointed in these courts; and
- (f) the time by which the remaining courts are likely to be set up in all the States?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) to (f): A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO LOK SABHA STARRED QUESTION NO. 561 DATED 26.4.2001

(a)&(b): Yes, Sir.

The State-wise amount allotted and released for fast track courts is at Annexure-I.

Guidelines issued to the State Governments to start fast track courts are at Annexure-II.

(c): As per the information made available by the State Governments, it is expected that 480 courts are being set up in April-May 2001. The locations of the courts furnished by the State Governments are at Annexure-III.

(d): The creation of these courts require a number of steps, like construction of court building, appointment of judges & supporting staff to be taken by the State Governments and respective High Courts. As such, some of the States are taking more time in completing these requirements.

(e): The exact number of judicial officers appointed in these courts is not available in the Department of Justice.

(f): No time frame can be fixed. However, the Central Government is constantly interacting with the State Governments and High Courts to expedite setting up of these courts.

ANNEXE-I

State-wise break-up of additional courts

Sl. No.	Name of the State	No. of courts
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1.	Andhra Pradesh	86
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2.	Arunachal Pradesh	5
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3.	Assam	20
4.	Bihar	183
5.	Chhattisgarh	31
6.	Goa	5
7	Gujarat	166
8.	Haryana	36
9.	Himachal Pradesh	9
10.	Jammu & Kashmir	12
11.	Jharkhan	89
12.	Karnataka	93
13.	Kerala	37
14.	Madhya Pradesh	85
15.	Maharashtra	187
16.	Manipur	3
17.	Meghalaya	3
18.	Mizoram	3
19.	Nagaland	3
20.	Orissa	72
21.	Punjab	29
22.	Rajasthan	83
23.	Sikkim	3
24.	Tamil Nadu	49
25.	Tripura	3
26.	Uttar Pradesh	242
27.	Uttaranchal	45
28.	West Bengal	152

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ANNEXE-II

Ministry of Finance Department of Expenditure

(Finance Commission Division)

Guidelines on utilisation of the provisions recommended by the Eleventh Finance Commission for Upgradation of standards of administration and tackling the special problems.

The Eleventh Finance Commission (EFC) has recommended Rs.3843.63 crore grants for the following sectors for Upgradation of standards of administration in 25 States:-

- i. District administration;
- ii. Police administration;
- iii. Prisons administration;
- iv. Fire services;
- v. Judicial administration;
- vi. Fiscal administration;
- vii. Health services;
- viii. Elementary education;
- ix. Computer training for school children;
- x. Public libraries;
- xi. Heritage protection; and
- xii. Augmentation of traditional water sources.

2. Besides grant for upgradation, Commission has recommended grant of Rs.1129.00 crore for tackling special problems of States. Copy of Chapter VII - 'Upgradation and Special problem Grants' from the Report of the Eleventh Finance Commission is enclosed as Annexure-I (not enclosed).

3. The Government of India has accepted the recommendations of the Eleventh Finance Commission relating to grants for upgradation and special problems.

4. In order to give greater responsibility to the States for sanction of the schemes within the guidelines prescribed by them, the power to sanction individual schemes as well as to determine the unit costs will vest with the State Level Empowered Committee (SLEC). Once a project has been sanctioned by the SLEC, a copy of the same indicating the time schedule for various stages of the project and for requirement of funds should be submitted to the Ministry of Finance, Government of India. For schemes relating to Police and Prisons detailed guidelines will be separately issued by Ministry of Home Affairs/Bureau of Police Research and Development, in the interest of standardization of equipments, arms etc. However, any modification etc. departures for specific items will have to be suggested keeping in mind the overall allocation made to the individual States.

5. Physical and financial monitoring of the projects undertaken through the grants should be done by the SLEC. State Governments should also undertake evaluation through professional agencies in order to bring out the strengths and weaknesses of the programme as implemented in the past, which may help in introducing necessary improvements.

6. The plans of action both in physical and financial terms covering the entire award period of the EFC i.e. 2000-2005, formulated by individual administrative Department of the State should be submitted to the SLEC, a copy of the detailed action plan approved by the SLEC indicating the time schedule for various stages of the project and for requirement of funds may be forwarded by the Finance Department of the State Government to the Finance Commission Division, Deptt. of Expenditure, Ministry of Finance. Action plan submitted by individual administrative Departments of the State Government will not be accepted. All correspondence on the subject irrespective of the sector(s) involved will be only between Ministry of Finance in the Government of India, and the Department of Finance of the State Government.

7. After the plan of action is approved by the SLEC, the State Government will make suitable expenditure provisions in the Budget (including supplementary demand, necessary) under a suitable Head of Account. While such provision in the expenditure budget of the State Government should be made under the appropriate functional Major Head of Account and approved programme under minor head of Account thereunder, the provision should be made as a distinct and identifiable item of expenditure under a sub head 'Upgradation of Standards of Administration recommended by the Eleventh Finance Commission.' Correspondingly, in its estimates of revenue receipts, the State Government should also assume receipts of equivalent amount of grant-in-aid from the Central Government, such receipts being assumed under the Head of Account '1601 - grants-in-aid from the Central Government, - A - Non-Plan grants', grants under provision of Article 275(1) of the Constitution - Grants for Upgrading standards of administration and Special Problem.'

8. After provision is so made in the State Budget, the competent authority of the State Government will issue formal sanction(s) for expenditure in respect of various schemes/works comprising the approved plan and a copy of each may be endorsed to the Finance Commission Division, Department of Expenditure, Ministry of Finance.

9. Apart from monitoring the performance in physical terms, as envisaged under para 7.54 in the Report of the Eleventh Finance Commission, it is of utmost importance to ensure that the expenditure actually incurred by a State Government, against the approved plans of action, is adjusted in its Budget and Accounts in a manner as would facilitate ready identification, verification and certification by Audit. It is, consequently essential to guard against such expenditure incurred on approved plans of action of upgradation of standards of administration and special problems being mixed up with the State Government's ordinary items of similar expenditure, plan or non-plan. This can be achieved by making, as laid down in paragraph 7 above, identifiable provision in the State Budget, and indicating clearly, in the formal sanction for expenditure, the precise classification against the identifiable provision in the Budget. What is equally important to achieve this objective is to draw, wherever possible, separate bills for expenditures to be incurred against such items of provision for upgradation of standards and invariably indicate thereon the distinct classification in the Budget and Accounts. Where such expenditure on upgrading the standards in particular field is not susceptible of segregation ab-initio from normal expenditure and, consequently, it is not practicable to draw separate bills for the former, the State Government concerned should devise, with the advice of the Accountant General, a suitable form in which the particulars of the upgradation expenditure may be separately maintained, proforma outside the regular accounts. Such proforma accounts, wherever decided upon the advice of the Accountant General, should be maintained scrupulously from month to month and made available for examination and certification by the Accountant General.

10. The plans of action formulated by the concerned administrative Departments of the States for the SLEC's approval should:-

a) Conform to the pattern contemplated by the Finance Commission for utilisation of the upgradation grants (for example, the schemes should be designed to provide facilities at the grass-root level in various sectors and not for improving the facilities at higher administrative formations)

b) Lay stress on backward areas and weaker sections of society. Care should be taken to earmark outlays for backward areas and weaker sections of society as per the guidelines issued by the concerned administrative Ministries from time to time.

c) Be drawn up both in financial and physical terms in sufficient detail (including the nature of the expenditure proposed, the norms adopted, the latest unit cost, location of the work, plinth area, availability of sites, etc.) so as to be meaningful and give, inter alia, the anticipated annual phasing of the expenditure over the five years (2000-2005).

d) Display the broad details of the existing facilities, facilities likely to be created on the basis of works already in progress and additional facilities intended to be created so that the goals to be achieved can be identified.

11. The State Government should delegate to the executive agencies requisite administrative and financial powers for the expeditious execution of works. The sanctions issued in the beginning at the time of approval of the work/schemes should be so designed that the need for frequent references for approval of Heads of Department during execution of works is obviated as far as possible.

12. The release of grants-in-aid to States will be in the following manner:-

i. 50 per cent of the provision for the year 2000-01 will be released on `on account basis during the year on receipt of detailed plans of action duly approved by the SLEC.

ii. The subsequent release of grants will be made in quarterly instalments depending upon the utilisation of the grants already released and submission of Progress Report to the Ministry of Finance, Government of India. The State Government should submit the utilisation certificate in the enclosed proforma (Annexure-II) on quarterly basis. There will moreover, be a Central Level Review Committee comprising of Ministry of Finance, Government of India, the State Finance Department and the concerned Administrative Departments, which will take an annual review of utilisation of funds.

iii. The maximum amount of grants to be released to a State in a particular year would be limited to the total amount recommended by the Eleventh Finance Commission for that year; and

iv. 90 per cent of the EFC recommended Upgradation and Special Problem Grant would be released to the State Government on the basis of the progress reports submitted on the utilisation of the grants already released. Balance ten per cent grant will be released only on receipt of completion certificate in the prescribed format (Annexure-III).

v. The grants that remain unutilised as on 31st March, 2005 shall lapse.

vi. The grants, released in respect of capital works, which will not be completed by 31st March, 2005, will be recovered from the State Government.